D.B. CIVIL SPECIAL APPEAL (W) NO.627/99

Rajasthan State Road Transport Corporation
Vs.
Regional Transport Authority and Anr.

Date of Order :: 18.4.2007

HON'BLE MR JUSTICE RAJESH BALIA
HON'BLE MR JUSTICE BHANWAROO KHAN

Mr. Sangeet Lodha, for the appellant.
Mr. LR Upadhyaya, Deputy Govt. Advocate.

Heard learned counsel for the parties.

This appeal is directed against the judgment of the learned Single Judge dismissing the writ petition filed by the appellant Corporation by sustaining the preliminary objection raised by the respondent that the persons in whose favour the permits have been granted on the newly open route – Lalsot to Nivai via Bar-Ka-Para vide order dated 20.1.1994 by the Regional Transport Authority have not been impleaded, without going into merits of challenging order of State Transport Appellate Tribunal (for short 'the STAT').

We are of the opinion that the order passed by the learned Single Judge cannot be sustained. The RTA while opening the route in

question over-ruled the objection of the Corporation that the opening of the route will result in exceeding the permissible overlapping of Nationalized route. The Corporation has filed a revision before the STAT against overlapping the route beyond permissible limit.

The Tribunal had rejected the revision filed by the Corporation by a non-speaking order. It has simply rejected the application by stating that passing any order by the Tribunal about opening the new route would not be in accordance with law. We are satisfied that such non-speaking order by STAT cannot be sustained. The question of granting permission on new route in relation to the controversy raised was not required to be gone into. This question related purely to the limit of authorities of RTA.

We are therefore of the opinion that the appeal must succeed.

Accordingly, the appeal is allowed. The judgment under appeal is set-aside.

As a result of above discussion the writ petition is also allowed. The impugned order of STAT Annexure-6 dated 16.2.94 is quashed. The Tribunal is directed to decide the revision of

the Corporation by speaking order in accordance with law.

There shall be no order as to costs.

(BHANWAROO KHAN),J. (RAJESH BALIA),J.

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